

14042 U.S. PTO
07/15/03

16591 U.S. PTO
10/620298
07/15/03

PATENT APPLICATION
TRANSMITTAL
(37 CFR §1.53(b))

Atty Docket No.: 5199/98US Total Pages: 30
First Inventor or Application Identifier: Fowler
Express Mail Label No. (37 CFR 1.10): EV 330371290US

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Applicant(s) or Identifier: Dennis L. Fowler; Peter K. Allen and
Andrew T. Miller
Serial No. : To Be Assigned
Filed : Herewith
Title : INSERTABLE DEVICE AND SYSTEM FOR
MINIMAL ACCESS PROCEDURE

Kindly file the annexed papers indicated below:

Original application for Patent including Specification (24 pages) and Drawing (6 pages, Figs. 1-9)
 Notice of Non-Publication Request
 Declaration and Power of Attorney
 Assignment and Recordation Cover Sheet
 Return Receipt Postcard

The fee has been calculated as follows:

| | Claims | Claims Paid for | Extra | Rate (Sm. Ent.) | Fee | Rate | Fee |
|----------------------------------|--------|-----------------|-------|-----------------|-----|-------|-------|
| BASIC FILING FEE | | | | \$ 375 | \$ | \$750 | \$750 |
| Total | 25 | - 20 = | 5 | x \$9 | \$ | \$18 | \$ 90 |
| Indep. | 4 | - 3 = | 1 | x \$42 | \$ | \$84 | \$ 84 |
| MULTIPLE DEPENDENT CLAIM PRESENT | | | | + \$140 | \$ | \$0 | \$0 |
| | | | | TOTAL | \$ | | \$924 |

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Check in the amount of \$_____ to cover the filing fee of \$_____ which includes the Assignment Fee of \$_____.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to the undersigned attorney's Deposit Account No. 02-4270.

Correspondence address: Use Customer Number 29858.

Dated:

July 15, 2003

By:

Respectfully Submitted,

Seth H. Ostrow
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**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

| | | |
|----------------------|--|--------------------------|
| First Named Inventor | | Dennis L. Fowler, et al. |
| Title | INSERTABLE DEVICE AND SYSTEM FOR MINIMAL ACCESS PROCEDURE | |
| Atty Docket Number | | 5199-98US |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

July 15, 2003

Date



Signature

Seth H. Ostrow, Reg. No. 37,410

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.